

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 23, 2002

Call to Order The regular meeting of the Sussex County Council was held Tuesday, April 23, 2002, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
George B. Cole	Member
Dale R. Dukes	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

M 264 02 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to amend the
Amend agenda by striking "Septage Discharge Rate", and to approve the Agenda,
and as amended.

Approve Motion Adopted: 5 Yea.
Agenda

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
 Mr. Dukes, Yea; Mr. Rogers, Yea;
 Mr. Jones, Yea

M 265 02 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve
Approve the minutes of April 16, 2002, as distributed.
Minutes

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
 Mr. Dukes, Yea; Mr. Rogers, Yea;
 Mr. Jones, Yea

Corre- Mr. Cole advised Council of the following correspondence:
spondence

**MARY ANN STARITA AND EDGAR TIMMONS, AARP CHAPTER,
SOUTH COASTAL DELAWARE CHAPTER, OCEAN VIEW,
DELAWARE.**

RE: Comments pertaining to the update of the County's Land Use Plan.

M 266 02 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt the
Adopt Proclamation entitled "PROCLAIMING APRIL 21 THROUGH APRIL 27,
Procla- 2002, AS "DELAWARE VOLUNTEER AND SERVICE WEEK" AND
mation PROCLAIMING APRIL 24, 2002, AS "RSVP DAY" IN SUSSEX
 COUNTY".

**M 266 02
(continued)**

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea**

**Adminis-
trator's
Report**

Mr. Stickels read the following information in his County Administrator's Report:

1. DelDOT Public Workshop

DelDOT and the Town of Georgetown will solicit public comments regarding the Georgetown Bicycle and Pedestrian Plan. A DelDOT information booth will be set up near the ball fields at the Georgetown Little League on Opening Day, Saturday, April 27, 2002. The public is invited to visit the booth between 9:00 a.m. and 12:00 p.m.

The proposed improvements consist of sidewalks, crosswalks, and bicycle lanes in and around the Town of Georgetown. I would encourage Georgetown area residents to review this plan on Saturday, April 27.

2. 25th Annual Sussex County Prayer Breakfast

A reminder that the 25th Annual Sussex County Prayer Breakfast will be held on Tuesday, May 7, 2002. Breakfast will start at 7:30 a.m. and will be held at the CHEER Community Center located on the corner of East Market Street and Sand Hill Road, Georgetown, Delaware.

This year's speaker will be Dr. Leonard N. Smith, Senior Minister, Mount Zion Baptist Church, Arlington, Virginia. Dr. Smith is the Chaplain of the Arlington County Fire Department, who was the first responding agency to the Pentagon on 9/11. Dr. Smith played an active role in both the incident and the recovery of this terrible tragedy.

Tickets may be obtained at a cost of \$11.00 each from the County Council Office during normal working hours or by contacting Carol Lewis at 855-7801.

3. Earth Day Activity

Representatives from the Federal government, Rural Development Agency, State of Delaware, and Sussex County Council will be participating in a ceremony on Friday, April 26, 2002, as part of the nationwide Earth Day activities. The Council will receive a check from the Rural Development Agency in the amount of \$2,475,000 for

**Adminis-
trator's
Report
(continued)**

the Miller Creek Sanitary Sewer District. Project costs are projected to be \$10.7 million.

The project will consist of a gravity collection system. Pipelines ranging from eight inches to 15 inches in diameter will be placed within existing right of ways where possible. Individual connections will be provided for each home at the street right of way. The wastewater will be collected at the new regional pumping station at Bear Trap Dunes and pumped to the County's existing South Coastal Wastewater Facility.

Construction of central sewer for this area will eliminate 483 on-site systems. It is believed that many of these systems are contributing nitrates to the groundwater and inland bays. It is projected that the average home with a 75-foot lot will have an annual cost of \$820.50.

The ceremony will take place at 2:30 p.m. in Plantation Park at Miller Creek and Double Bridges Road, west of South Bethany and south of Ocean View. For additional information, contact Russell Archut, Assistant County Engineer, at 855-7719.

4. Fire Service Grants

Tonight at the Sussex County Volunteer Firemen's Association meeting, \$378,448.00 in checks to various fire companies will be released. This is the County Council's third contribution towards the \$1.8 million that is provided annually.

**Indian
River
Fire
Company/
DelDOT
Agreement/
Paving
Project
Funding**

Mr. Baker advised that the Indian River Volunteer Fire Company has requested and been approved for a \$7,154.00 grant from the State of Delaware Community Transportation Fund Program for a paving project at their Long Neck Facility. The Indian River Fire Company has asked the Sussex County Council to sponsor this project, a requirement of the State grant program. The County will handle the receipt and disbursement of the State funds. Another requirement for administering these funds is for the County to enter into an agreement with the Delaware Department of Transportation in order to receive the funds on behalf of the Indian River Volunteer Fire Company. Mr. Baker advised that the grant covers all the costs involved.

**M 267 02
Authorize
Agreement
with
DelDOT
I.R. Fire
Company**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, that the Sussex County Council authorizes an Agreement with the Delaware Department of Transportation for a grant to fund a paving project for the Indian River Fire Company – Long Neck Facility, in the amount of \$7,154.00.

Motion Adopted: 5 Yea.

**M 267 02
(continued)**

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Proposed Ordinances Authorizing the County to Borrow Funds/ Ellendale SSD and SCRWF

Mr. Baker discussed two Proposed Ordinances which were introduced on April 9, 2002; one to authorize the County to borrow \$1,000,000 from the Delaware 21st Century Fund Program for the Ellendale Sanitary Sewer District at 0 percent for twenty (20) years and one to authorize the County to borrow \$13,000,000 from the Delaware SRF Fund Loan at approximately 3.2 percent for twenty (20) years to fund the expansion of the SCRWF treatment plant.

Mr. Baker explained that since April 9, 2002, it has been brought to his attention that the titles of the original two proposed ordinances did not include the loan amounts. Mr. Baker recommended that the County withdraw the original two ordinances from April 9th and introduce new ordinances with the loan amounts included in the title of the ordinance.

**M 268 02
Withdraw Proposed Ordinance/ Ellendale**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to withdraw the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE ELLENDALE SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Introduction of Proposed Ordinance

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,000,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE ELLENDALE SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Proposed Ordinance will be advertised for Public Hearing.

**M 269 02
Withdraw Proposed Ordinance/ SCRWF**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to withdraw the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR DESIGN, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO AND EXPANSION OF THE SOUTH COASTAL REGIONAL WASTEWATER FACILITIES AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

Motion Adopted: 5 Yea.

**M 269 02
(continued)**

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

**Introduction
of
Proposed
Ordinance**

Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$13,000,000 GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE DESIGN, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO AND EXPANSION OF THE SOUTH COASTAL REGIONAL WASTEWATER FACILITIES AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Proposed Ordinance will be advertised for Public Hearing.

**Update
on E911
Addressing
Project**

Matt Laick, Acting Supervisor, Addressing Department, updated Council on the E911 Addressing Project. Mr. Laick reported that the May 1st deadline will be met to switch the Station 42 (Ellendale area) over to the enhanced system. This deadline was set for the Addressing Department to provide Verizon with all the accurate data for that area. At the same time, the Addressing Department is working on the Bridgeville, Seaford, (part of) Georgetown, and Milton areas.

Mr. Laick reported that Verizon and the State's 911 Coordinator is asking that all road name changes be stopped in Sections 1, 2 and 3. Mr. Laick stated that prohibiting road name changes is essential to the completion of the project. Mr. Laick stated that he is anticipating that readdressing in Sections 1, 2 and 3 will be completed during calendar year 2003. After they are completed, the Addressing Department will then turn their attention to readdressing Section 4.

**M 270 02
Prohibit
Further
Road
Name
Changes**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, that the Sussex County Council prohibits any further road name changes to be petitioned for in Sections 1, 2 and 3, as outlined on the official road naming map for the Addressing Project (Attachment to Minutes).

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

**Introduction
of Proposed
Ordinance**

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY – CONTAINING 787.787 ACRES, MORE OR LESS" (Change of Zone No. 1475) filed on behalf of Ribera-Odyssey Ventures, LLC.

(continued) **The Proposed Ordinance will be advertised for Public Hearing.**

M 271 02 **A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give**
Council- **\$500.00, \$250.00 each from Mr. Rogers' and Mr. Jones' Councilmanic**
manic **Accounts, to the Milford Middle School Odyssey of the Mind Team for trip**
Grant **expenses.**

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
 Mr. Dukes, Yea; Mr. Rogers, Yea;
 Mr. Jones, Yea

M 272 02 **A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00**
Council- **from Mr. Cole's Councilmanic Account to the Bethany Beach 4th of July**
manic **Parade Committee for parade expenses.**
Grant

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
 Mr. Dukes, Yea; Mr. Rogers, Yea;
 Mr. Jones, Yea

M 273 02 **A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00,**
Council- **\$250.00 each from Mr. Cole's and Mr. Rogers' Councilmanic Accounts, to**
manic **Delaware State Police Troop 7 for expenses associated with neighborhood**
Grant **watch group meetings.**

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
 Mr. Dukes, Yea; Mr. Rogers, Yea;
 Mr. Jones, Yea

M 274 02 **A Motion was made by Mr. Phillips to give \$500.00, \$100.00 from each**
Council- **Councilmanic Account, to The Leukemia & Lymphoma Society for a**
manic **fundraiser for Leukemia Research.**
Grant

Mr. Phillips withdrew his Motion.

Defer **Action was deferred on the funding request from Heather Rudd for The**
Action **Leukemia & Lymphoma Society fundraiser.**

M 275 02 **A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give**
Council- **\$500.00, \$250.00 each from Mr. Rogers' and Mr. Jones' Councilmanic**
manic **Accounts, to the Milford Memorial Hospital Auxiliary for the Hospital Fair.**
Grant

Motion Adopted: 5 Yea.

**M 275 02
(continued)**

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

**M 276 02
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$750.00, \$150.00 from each Councilmanic Account, to the March of Dimes for the WalkAmerica 2001 (Orange Juice Toast).

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

**M 277 02
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$250.00, \$50.00 from each Councilmanic Account, to the Delaware Small Business Foundation, Inc. for the Teen Conference 2002.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

**M 278 02
Council-
manic
Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$600.00, \$500.00 from Mr. Dukes' Councilmanic Account and \$100.00 from Mr. Phillips' Councilmanic Account, to the Seaford Historical Society, Inc. for the new museum.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

**M 279 02
Council-
manic
Grant**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$300.00 from Mr. Rogers' Youth Activity Account to the People to People Student Ambassador Program for Thomas Wooding's trip expenses.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

**M 280 02
Council-
manic
Grant**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$400.00, \$200.00 each from Mr. Rogers' and Mr. Jones' Councilmanic Accounts, to the Milford Community Parades, Inc. for parade expenses.

**M 280 02
(continued)**

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea**

**M 281 02
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 (\$200.00 from Mr. Cole's Councilmanic Account, \$200.00 from Mr. Phillips' Councilmanic Account, and \$100.00 from Mr. Jones' Councilmanic Account) to the OM Boosters to help finance Indian River's 2002 Odyssey of the Mind Team's trip to the Finals in Colorado.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea**

**M 282 02
Council-
manic
Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$300.00 from Mr. Jones' Councilmanic Account to the Woodbridge Band Booster Association for expenses associated with the band and choir participating in a competition being held in Florida.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea**

**M 283 02
Youth
Activity
Grant**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 (\$300.00 from Mr. Dukes', \$100.00 from Mr. Phillips', and \$100.00 from Mr. Jones' Youth Activity Accounts) to Sussex West Baseball for tournament expenses for the Sussex West Patriots.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea**

**Public
Hearing/
Sussex
County
Land
Founda-
tion/
Proposed
Ordinance**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING SUSSEX COUNTY TO ASSIST THE SUSSEX COUNTY LAND FOUNDATION IN PROTECTING, IMPROVING, ENHANCING AND PRESERVING THE NATURAL RESOURCES AND OPEN SPACE IN SUSSEX COUNTY".

This Ordinance authorizes the County to participate with the Sussex County Land Foundation in the acquisition of land or the purchase of development rights in order to promote the public purpose of protecting,

**Public
Hearing
(continued)**

improving, enhancing and preserving the natural resources and open space in the County.

Mr. Bayard read into the record the following two letters which were received regarding the Proposed Ordinance:

GOVERNOR RUTH ANN MINNER, DOVER, DELAWARE.

RE: Commending the County for recognizing the importance of preserving valuable open spaces and agricultural lands and expressing that in developing such a program at the local level, it is important that the County's effort be consistent with the States Agland Preservation and Open Space programs.

MABLE GRANKE, REHOBOTH BEACH, DELAWARE.

RE: Stating that the Proposed Ordinance should include:

- A definition of stewardship of the land.
- A description of the process by which land will be acquired.
- What entity or entities will be used to obtain information or advice as to which lands are at risk, worthy of conservation, and potentially available?
- What standards for conservation/preservation are being formulated?
- Is the concept of green corridors as part of DNREC's conservation program part of the process for land acquisition?

Mr. Stickels reviewed the Proposed Ordinance.

Section 1. Pledge of Support for the Foundation. The County shall be authorized to pledge to the Foundation One Million Dollars (\$1,000,000) from its fiscal year 2002-2003 budget in order to assist in protecting, improving, enhancing and preserving the natural resources and open space in the County. The County shall be authorized to pledge to the Foundation for such purposes an amount equal to ten percent of its net increase in the General Fund balance, or other authorized amount, in each subsequent fiscal year.

Section 2. County Representatives on the Board of Directors of the Foundation. As a condition for the receipt of the aforesaid funds, the Foundation's governing documents shall provide that at least two of the directors of the Foundation shall be appointed by the President of County Council, one Council person from each political party, to serve at the pleasure of the President of County Council.

Section 3. Use of County Funds. County funds contributed to the Foundation shall only be used for land acquisition, the purchasing of development rights, or stewardship of the land purchased with County funds and shall not be used for administration of the Foundation. The Foundation agrees to maintain adequate general liability, directors and officers' liability, and property insurance coverage. County funds contributed to the Foundation may only be expended for specific purposes

**Public
Hearing
(continued)**

that are approved by four (4) affirmative votes of the County Council in an open Council meeting. Property that is acquired by the Foundation with County funds shall be restricted to preserving natural resources and/or open space use by deed restriction, or by other controls approved by the County Administrator, with the advice of counsel. All contributions to the Foundation shall be made pursuant to the terms of a Grant Agreement to be approved by the County Administrator, with the advice of counsel, which shall provide, among other things, for the County to have access to the Foundation's books and records at all reasonable times and for the County to receive annual financial statements of the Foundation. The Foundation shall permit an authorized representative of the County to inspect and audit all appropriate data and records of the Foundation.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its adoption. (It will still be subject to the approval of the County's Fiscal 2003 Budget.)

Mr. Cole referred to Section 3 and recommended that "County funds contributed to the Foundation may only be expended for specific purposes that are approved by four affirmative votes of the County Council in an open Council meeting."

Public comments were heard.

Mr. Dan Kramer asked: (1) how is this program different than other organizations who want County funding, (2) why is the County backing this particular program, and (3) where is the Certificate of Incorporation which is to be included as Exhibit A in the Proposed Ordinance? Mr. Kramer stated that the Proposed Ordinance should not be voted on until the 501-C3 designation has been received.

Mr. Stickels stated that when the Foundation wants a property to be purchased with County funds, the matter will be placed on the Agenda, which will be duly advertised and posted.

Mr. Stickels and Mr. Hudson, Chairman of the Foundation, noted that the Foundation is a Sussex County organization; it is Sussex County funding; the funding will be used on Sussex County property; and Sussex Countians will be making the decisions, including two members of the Sussex County Council.

Mr. Hudson reported that the Foundation will use a different set of criteria for each property it considers. The criteria will be gathered from sources such as the Department of Natural Resources and Environmental Control, other agricultural preservation groups, and the National Alliance which the Foundation is a member of.

Mr. Hudson recognized the Board of Trustees of the Foundation:

**Public
Hearing
(continued)**

Preston Schell (absent)
The Honorable John R. Schroeder
Dennis Forney
Thomas Draper
James A. Fuqua, Jr.
Lynda A. Messick
Michael Rawl
Randall C. Willin, Jr. (R.C.)
Wendy O. Baker
R. Craig Hudson

It was noted that, upon approval of this Proposed Ordinance, the Council President shall appoint two Council persons, one from each political party, to serve as County representatives on the Board of Trustees of the Foundation.

Mr. Hudson acknowledged that the Foundation is still in the formation process. He stated that the Foundation is officially incorporated and they are working on the 501-C3 designation and the reason that do not yet have that designation is that the IRS has certain criteria and timetables that the Foundation has to pass before receiving the designation. Mr. Hudson and Mr. Rawl stated that even though the Foundation has not received its 501-C3 designation, it can still accept contributions through a sister-organization, the Mid-Shore Foundation, and can engage in fund-raising activities until it does receive its 501-C3 approval.

The Public Hearing was closed.

**M 284 02
Amend
Proposed
Ordinance**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to amend the Proposed Ordinance on Page 2, Section 3, Line 7, as follows: "County funds contributed to the Foundation may only be expended for specific purposes that are approved by four (4) affirmative votes of the County Council in an open Council meeting."

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

**M 285 02
Adopt
Ordinance
No. 1537
Land
Trust
Ordinance**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to adopt Ordinance No. 1537 entitled "AN ORDINANCE AUTHORIZING SUSSEX COUNTY TO ASSIST THE SUSSEX COUNTY LAND FOUNDATION IN PROTECTING, IMPROVING, ENHANCING AND PRESERVING THE NATURAL RESOURCES AND OPEN SPACE IN SUSSEX COUNTY", as amended.

Motion Adopted: 5 Yea.

**M 285 02
(continued)**

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

**Public
Hearing/
Route 26
Extension
of the
North
Millville
Expansion
Area**

A Public Hearing was held to consider extending the Ocean View Expansion of the Bethany Beach Sanitary Sewer District (OVX) to include the lands lying north and south of State of Delaware Route 26, and being in Baltimore Hundred, Sussex County, Delaware.

Mr. Archut explained that the Route 26 extension will include the area from the Lord Baltimore School to the Food Lion. He advised that pipelines were installed in that section when the original Ocean View Expansion area was constructed and connections are available for homeowners.

Mr. Archut reported that 28 surveys were mailed out and 17 were returned: 14 responded "yes" and 3 responded "no". There were no responses from 11 of the property owners.

Mr. Archut noted that there are failing septic systems in the area.

Public comments were heard. Comments were heard from one property owner who stated that her septic system is failing.

The Public Hearing was closed.

**M 286 02
Adopt
Resolution
No.
R 014 02**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Resolution No. R 014 02 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE OCEAN VIEW EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT (OVX) TO ENCOMPASS LANDS LYING NORTH AND SOUTH OF STATE OF DELAWARE ROUTE 26, CONTIGUOUS TO THE OVX, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

**Public
Hearing/
Woodcrest
Expansion
of the
North
Millville
Expansion
Area**

A Public Hearing was held to consider extending the Ocean View Expansion of the Bethany Beach Sanitary Sewer District (OVX) to include parcels on Central Avenue, situate, lying west of the Town of Ocean View, and being in Baltimore Hundred, Sussex County, Delaware.

Mr. Archut reported that seven surveys were mailed out; of those, four responded "Yes" (one from the County) and one responded "No". Mr. Archut read the letter from Mr. George Hanby, who responded "No".

Mr. George Hanby was present and stated that two years ago, he installed a

**Public
Hearing
(continued)**

low-pressure septic system at a great expense (\$10,000) and abandoning that system and hooking up to the County's sewer system would be an unbearable hardship for his family. Mr. Hanby asked that his property be excluded from the expansion.

Mr. Archut recommended that the entire area be annexed; however, he stated that he would not have a problem with leaving the property out of the annexation process at this time.

Mr. Hugh Dolan stated that the Woodcrest subdivision is interested in receiving sewer service.

The Public Hearing was closed.

It was the consensus of Council that Mr. Archut revise the Proposed Resolution removing Mr. Hanby's property from the Proposed Expansion Area. The revised Resolution will be placed on the April 30th agenda for consideration.

**Proposed
Johnson's
Corner
SSD/
Request
for
Petitions**

Mr. Archut advised that a request has been received for petitions to create a sanitary sewer district in the Johnson's Corner area.

A previous request (in the 1980's) was made for sanitary sewer service in this area; a public hearing was held on the boundaries and the need for the project. At that time, it was decided that the project was not a high priority project and no further action was taken.

Mr. Archut advised that this area is in the South Coastal Area Planning Study and that there are several subdivisions in the area. Mr. Archut advised that the proposed boundaries are the same boundaries that were previously proposed. Mr. Archut requested Council's authorization to distribute petitions.

Mr. Cole questioned if anything has changed in the area since the proposed boundaries were established; whether there are any failing septic systems in the area; approximately how many people live in the area; and whether there are other properties in the area which should be included in the petition process.

Mr. Archut was instructed to review the proposed boundaries; to consider including other properties in the petition; and to report back to Council in two weeks.

**Preserve
at Ocean
View/
Annexation
Request**

Mr. Archut advised Council of an annexation request from a subdivision called the Preserve at Ocean View. Mr. Archut advised that this area is almost completely surrounded by central sewer. The Preserve at Ocean View is approved for 65 lots, a clubhouse and a pool, and they have met the requirements for sewer planning. It is proposed that adjacent lots will be included in the extension request.

M 287 02
Prepare
and Post
Notices/
Bethany
Beach
SSD
Boundary
Extension/
Muddy
Neck Area

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council authorizes the Sussex County Engineering Department to prepare and post notices for the extension of the Bethany Beach Sanitary Sewer District boundary to include the Muddy Neck area, as presented on April 23, 2002.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Verizon
Antennae
Lease

Mr. Izzo, County Engineer, discussed a Proposed Lease Agreement with Verizon Wireless to install a series of antennae on the Dewey Beach Water Tower. The proposal with Verizon would be 4 or 5 year terms; the initial payment would be \$1,840 a month and the payment rate will go up 15 percent each term.

M 288 02
Approve
Verizon
Antennae
Lease

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that the site agreement with Verizon Wireless to lease space for the placement of antennae and equipment at the Dewey Beach Water Tower be approved for a term not to exceed 20 years.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

Delta
Contract

Mr. Sapp, Project Engineer, announced that Delta Contract Amendment No. 9, as listed on the Agenda, was previously approved on March 12th.

Waste-
water
Facilities

Mr. Green, Director of Utility Construction, discussed wastewater facilities to be constructed in the South Bethany Sanitary Sewer District and in the Ocean View Expansion of the Bethany Beach Sanitary Sewer District.

M 289 02
Execute
Agreements/
Bear
Trap
Dunes
Golf
Club

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 264, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Freeman Communities, for wastewater facilities to be constructed in Bear Trap Dunes Golf Club – Phase 1A, located in the South Bethany Sanitary Sewer District.

Motion Adopted: 5 Yea.

**M 289 02
(continued)**

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
 Mr. Dukes, Yea; Mr. Rogers, Yea;
 Mr. Jones, Yea**

**M 290 02
Grant
Beneficial
Acceptance/
The
Reserves**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 216, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in The Reserves, located in the Ocean View Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
 Mr. Dukes, Yea; Mr. Rogers, Yea;
 Mr. Jones, Yea**

**National
Secretary's
Week**

Mr. Stickels announced that this is "National Secretary's Week". Mr. Stickels and Mr. Baker extended their thanks to Susan Webb, Nancy Cordrey, Jacqueline Chandler, and Robin Griffith.

**M 291 02
Recess**

At 12:10 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Cole, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

At 1:30 p.m., Mr. Jones called Council back into session for a Public Workshop on the County's existing building codes and the International Building Code.

**Building
Code
Workshop**

Mr. Bill Massey, Lewes Building Official and President of the Lower Delaware Maryland Building Officials Association gave a presentation on the International Building Code.

Mr. Massey reported that on April 3 and 4, 2002, the Lower Delaware Building Official Association sponsored classes on comparing present Sussex County Codes to the International Building & Residential Code. Currently, the Sussex County Council utilizes the Council of American Building Officials 1992 edition for residential requirements and the 1994 edition of the Southern Standard Building Code for commercial requirements. Two classes were held: one class was structured for contractors, engineers and architects and one class was structured for city and County officials.

Concern was expressed that everyone did not know about the seminars. Mr. Massey stated that there will be opportunities to do seminars again and they plan to do so.

Mr. Massey advised that the Southern Building Code Congress International (SBCCI) is moving forward with the International Building Code; that all three Building Code Books were merged in its development;

**Building
Code
Workshop**

and that SBCCI continues to amend it. He noted that the previous issues of the three Codes are no longer being amended or reproduced.

Mr. Massey explained some of the different changes/comparisons. He handed out a brief summary prepared by the SBCCI in which they pinpointed the most drastic changes.

Mr. Massey pointed out that the changes incorporated in the International Building Code are not that different from what the County and municipalities are already enforcing and will not be detrimental to builders and homeowners.

Mr. Massey emphasized changes that are safety related, i.e. high wind construction, glazing protection, floodplain construction, etc.

Mr. Dukes questioned whether the Code can be adapted to Sussex County. Mr. Massey stated that this code can be adopted, with exceptions.

Public comments were heard. Support was expressed for a unified code to be used throughout the State of Delaware; to incorporate the most current building code requirements used throughout the Country; to improve the life safety requirements for occupants in buildings; and to make buildings safer with respect to fire and wind requirements.

Concern was expressed regarding starting a construction job under one code and finishing it under a different code; concern about builders' liability protection; and concern about the Code going into effect too abruptly.

Mr. Massey noted that adoption of the International Code would apply to new construction and remodeling projects and that once a house is started, it will be finished under the same code it was started under.

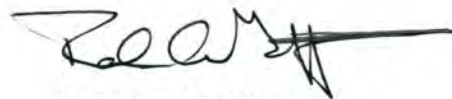
Mr. Massey stated that contractors and property owners will be educated as to what the changes are going to be.

It was the consensus of Council that they are supportive of investigating the adoption of the International Building Code.

**M 292 02
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adjourn at 2:40 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



**Robin A. Griffith
Clerk of the Council**